

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**BCS SOFTWARE, LLC,**

Plaintiff

v.

**RACKSPACE US, INC.**

Defendant

**Case No. 6:21-cv-0119**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff BCS Software, LLC (“Plaintiff” or “BCS”) hereby asserts the following claims for patent infringement against Rackspace US, Inc. (“Defendant” or “Rackspace”), and alleges, upon information and belief, as follows:

**THE PARTIES**

1. BCS Software, LLC is a limited liability company organized and existing under the laws of the Texas with its principal place of business at 600 Columbus Avenue, Suite 106, #7, Waco, Texas 76701.
2. Upon information and belief, Rackspace US, Inc. is a corporation organized and existing under the laws of Texas, with a regular and established place of business located at 1 Fanatical Pl., Windcrest, Texas 78218 and may be served through its designated agent for service of process, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E 7<sup>th</sup> Street, Suite 620, Austin, TX 78701.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, 35 U.S.C. § 1, *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
4. Defendant has committed acts of infringement in this judicial district.
5. Upon information and belief, Defendant has a regular and established place of business in this judicial district at 1 Fanatical Pl., City of Windcrest, San Antonio, Texas 78218.
6. Upon information and belief, the Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas.
7. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the Western District of Texas.
8. Venue is proper in the Western District of Texas pursuant to 28 U.S.C. § 1400(b).

**U.S. PATENT NO. 8,819,120**

9. BCS is the owner, by assignment, of U.S. Patent No. 8,819,120 ("the '120 Patent"), entitled "METHOD AND SYSTEM FOR GROUP COMMUNICATIONS," which issued on August 26, 2014.
10. The '120 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.
11. The '120 Patent includes numerous claims defining distinct inventions.
12. The priority date of each of the '120 Patents is at least as early as October 2004. As of the priority date, the inventions as claimed were novel, non-obvious, unconventional, and non-routine.

13. The claims of the '120 Patent are not drawn to laws of nature, natural phenomena, or abstract ideas. Although the systems and methods claimed in the '120 Patent are ubiquitous now (and, as a result, are widely infringed), the specific combinations of elements, as recited in the claims, were not conventional or routine at the time of the invention.
14. Further, the claims of the '120 Patent contain inventive concepts which transform the underlying non-abstract aspects of the claims into patent-eligible subject matter.
15. Consequently, the claims of the '120 Patent recite apparatuses and methods resulting in improved functionality of the claimed systems and represent technological improvements to the operation of computers. The claims of the '120 Patent unconventionally provide a group communication system allowing a group of users to participate in communications including internal mail, message exchanging and accessing files. *See, e.g.*, '120 Patent at Abstract.
16. The claims of the '120 Patent overcome deficiencies existing in the art as of the date of invention, and comprise non-conventional approaches that transform the inventions as claimed into substantially more than mere abstract ideas. For example, as of the date of invention, “[w]hat a modern enterprise desires is a true collaborative environment in which co-workers or individuals involved can share information and data, and participate in discussion confidentially without intrusions from others, regardless where they are and in what time zone.” '120 Patent at 2:20-25. The inventions as claimed overcome these deficiencies in the state of the art, and provide substantial technological benefits to all parties. Further, as of the date of invention, “Email and IM each provide some features desired for a true collaborative environment but none offers all. The present invention

discloses a collaborative platform that facilitates such requirements. Besides providing a non-intrusive communication platform, the present invention also provides data mobility to users.” *Id.* at 2:25-30. As such, the inventions as claimed provide non-conventional solutions to the conventional problems of the day because the collaborative platform allowed users to enjoy more secure interactions, along with data mobility.

**NOTICE OF BCS’ PATENTS**

17. Plaintiff is the owner, by assignment, of U.S. Patent No. 6,240,421 (the “’421 Patent”), entitled “System, software and apparatus for organizing, storing and retrieving information from a computer database,” which issued on May 29, 2001. A copy of the ’421 Patent is available at <https://patents.google.com/patent/US6240421B1/en?oq=6240421>.
18. Plaintiff is the owner, by assignment, of U.S. Patent No. 6,421,821 (the “’821 Patent”), entitled “Flow chart-based programming method and system for object-oriented languages,” which issued on July 16, 2002. A copy of the ’821 Patent is available at <https://patents.google.com/patent/US6421821B1/en?oq=6421821>.
19. Plaintiff is the owner, by assignment, of U.S. Patent No. 6,658,377 (the “’377 Patent”), entitled “Method and system for text analysis based on the tagging, processing, and/or reformatting of the input text,” which issued on December 2, 2003. A copy of the ’377 Patent is available at <https://patents.google.com/patent/US6658377B1/en?oq=6658377>.
20. Plaintiff is the owner, by assignment, of U.S. Patent No. 6,895,502 (the “’502 Patent”), entitled “Method and system for securely displaying and confirming request to perform operation on host computer,” which issued on May 17, 2005. A copy of the ’502 Patent is available at <https://patents.google.com/patent/US6895502B1/en?oq=6895502>.

21. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,200,760 (the “’760 Patent”), entitled “System for persistently encrypting critical software data to control the operation of an executable software program,” which issued on April 3, 2007. A copy of the ’760 Patent is available at <https://patents.google.com/patent/US7200760B2/en?oq=7200760>.
22. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,302,612 (the “’612 Patent”), entitled “High level operational support system,” which issued on November 27, 2007. A copy of the ’809 Patent is available at <https://patents.google.com/patent/US7302612B2/en?oq=7302612>.
23. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,533,301 (the “’301 Patent”), entitled “High level operational support system,” which issued on May 12, 2009. A copy of the ’809 Patent is available at <https://patents.google.com/patent/US7533301B2/en?oq=7533301>.
24. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,730,129 (the “’129 Patent”), entitled “Collaborative communication platforms,” which issued on June 1, 2010. A copy of the ’129 Patent is available at <https://patents.google.com/patent/US7730129B2/en?oq=7730129>.
25. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,840,893 (the “’893 Patent”), entitled “Display and manipulation of web page-based search results,” which issued on November 23, 2010. A copy of the ’893 Patent is available at <https://patents.google.com/patent/US7840893B2/en?oq=7840893>.
26. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,895,282 (the “’282 Patent”), entitled “Internal electronic mail system and method for the same,” which issued

on February 22, 2011. A copy of the '282 Patent is available at <https://patents.google.com/patent/US7895282B1/en?oq=7895282>.

27. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,890,809 (the “’809 Patent”), entitled “High level operational support system,” which issued on February 15, 2011. A copy of the ’809 Patent is available at <https://patents.google.com/patent/US7890809B2/en?oq=7890809>.
28. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,996,464 (the “’464 Patent”), entitled “Method and system for providing a user directory,” which issued on August 9, 2011. A copy of the ’464 Patent is available at <https://patents.google.com/patent/US7996464B1/en?oq=7996464>.
29. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,996,469 (the “’469 Patent”), entitled “Method and system for sharing files over networks,” which issued on August 9, 2011. A copy of the ’469 Patent is available at <https://patents.google.com/patent/US7996469B1/en?oq=7996469>.
30. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,171,081 (the “’081 Patent”), entitled “Internal electronic mail within a collaborative communication system,” which issued on May 1, 2012. A copy of the ’081 Patent is available at <https://patents.google.com/patent/US8171081B1/en?oq=8171081>.
31. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,176,123 (the “’123 Patent”), entitled “Collaborative communication platforms,” which issued on May 8, 2012. A copy of the ’123 Patent is available at <https://patents.google.com/patent/US8176123B1/en?oq=8176123>.

32. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,285,788 (the “’788 Patent”), entitled “Techniques for sharing files within a collaborative communication system,” which issued on October 9, 2012. A copy of the ’788 Patent is available at <https://patents.google.com/patent/US8285788B1/en?oq=8285788>.
33. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,554,838 (the “’838 Patent”), entitled “Collaborative communication platforms,” which issued on October 8, 2013. A copy of the ’838 Patent is available at <https://patents.google.com/patent/US8554838B1/en?oq=8554838>.
34. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,819,120 (the “’120 Patent”), entitled “Method and system for group communications,” which issued on August 26, 2014. A copy of the ’120 Patent is available at <https://patents.google.com/patent/US8819120B1/en?oq=8819120>.
35. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,984,063 (the “’063 Patent”), entitled “Techniques for providing a user directory for communication within a communication system,” which issued on March 17, 2015. A copy of the ’063 Patent is available at <https://patents.google.com/patent/US8984063B1/en?oq=8984063>.
36. Plaintiff is the owner, by assignment, of U.S. Patent No. 9,396,456 (the “’456 Patent”), entitled “Method and system for forming groups in collaborative communication system,” which issued on July 19, 2016. A copy of the ’456 Patent is available at <https://patents.google.com/patent/US9396456B1/en?oq=9396456>.

**DEFENDANT'S PRODUCTS**

37. Upon information and belief, Defendant makes, uses, imports, sells, and/or offers for sale Rackspace Email Plus with Cloud Drive product (the “Accused Product”).
38. Defendant performs and induces others to perform a method for sharing data via a server.

**COUNT I**

**(Infringement of U.S. Patent No. 8,819,120)**

39. Plaintiff incorporates each of the foregoing paragraphs by reference.
40. Defendant has been on notice of the '120 Patent at least as early as the date it received service of this complaint.
41. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least claims 1 and 2 of the '120 Patent by making, using, importing, selling, and/or, offering for sale the Accused Product.
42. Defendant, with knowledge of the '120 Patent, infringes the '120 Patent by inducing others to infringe the '120 Patent. In particular, Defendant intends to induce its customers to infringe the '120 Patent by encouraging its customers to use the Accused Product. Defendant's acts of inducement are actionable at least as of the date of service of the Original Complaint in this matter.
43. Defendant also induces others, including its customers, to infringe the '120 Patent by providing technical support for the use of the Accused Product.
44. Upon information and belief, at all times Defendant owns and controls the operation of the Accused Product in accordance with an end user license agreement.
45. Claim 1 of the '120 Patent recites:
  1. A method for sharing data via a server, comprising:

- (a) receiving by the server a request from a first client machine to establish a connection with a second client machine;
- (b) forwarding the request by the server to the second client machine;
- (c) permitting the first client machine to communicate with the second client machine via the server in response to the second client machine granting the request;
- (d) in response to the first client machine uploading a file to a file list coupled to a store that is remotely located to the first and second client machines:
  - (i) notifying the second client machine by the server of the file, and
  - (ii) establishing a level of access to the file list coupled to the store, wherein the store is independent of a file path and unnavigable to by a user; and
- (e) establishing a connection between the file list and the store by a secured channel to download the file.

46. With the Accused Product, Defendant performs a method for sharing data via a server.

For example, Defendant provides Rackspace Email Plus with Cloud Drive which allows a user to share files with another user via cloud storage. Cloud Drive comprises a Public Files folder where a user uploads files to collaborate with other users within an organization.

## Rackspace Email PLUS Storage and Apps

Rackspace Email PLUS includes Cloud Drive, an online file storage and sharing solution that gives you access to your important files no matter where you are. Choosing Rackspace Email PLUS gives you:

- 25GB Outlook-compatible Mailboxes
- 30GB Online Storage and Sharing per User
- Desktop File Synchronization
- Online Document and Spreadsheet Editors
- Mobile Sync for Email, Calendars, and Contacts

Rackspace Email PLUS with Cloud Drive combines business-class email with online file storage and applications for only \$3.99 per mailbox.

Click tabs below to learn more.

Source: <https://www.rackspace.com/en-in/email-hosting/webmail/rackspace-email-plus>

### A Copy in the Cloud

The Cloud Drive application in Rackspace Email Plus allows you to synchronize files on your desktop with your cloud storage space.

This gives you instant access to the most recent versions of important files from anywhere and from any device.

Source: <https://www.rackspace.com/en-in/email-hosting/webmail/rackspace-email-plus>

### Features



#### 25GB Mailboxes

Large capacity storage for email and attachments with premium anti-spam and virus protection.



#### Desktop Sync for Files and Folders

Windows and Mac desktop apps keep your files safe with a copy in the cloud.



#### Mobile Sync for Email, Calendars, and Contacts

ActiveSync for always up-to-date email, calendars and contacts on mobile devices.



#### 30GB Online Storage per User

Large capacity Cloud Drive accessible from any device. Files are 256-bit encrypted in transit and at rest.



#### Simple File Sharing

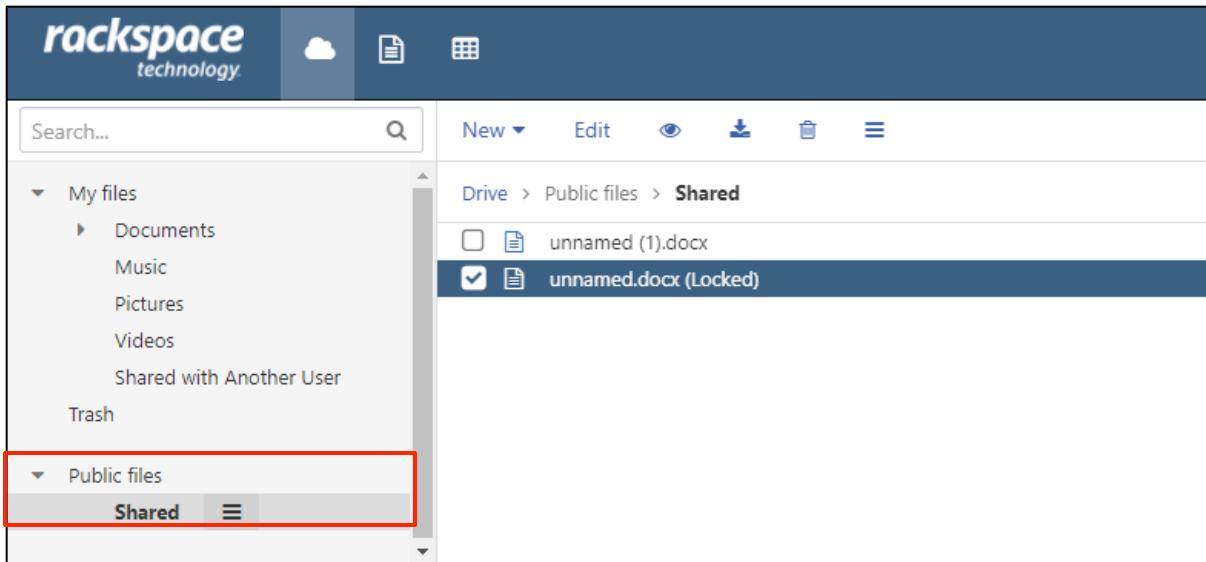
Share files and collaborate in real-time with colleagues.



#### Online Editors

Create and edit docs & spreadsheets directly from a browser.

Source: <https://www.rackspace.com/en-in/email-hosting/webmail/rackspace-email-plus>



Source: Rackspace website as seen by a typical user at

<https://apps.rackspace.com/appsuite/#!!&app=io.ox/files&folder=54>

47. With the Accused Product, Defendant performs a method for sharing data via a server comprising receiving by the server a request from a first client machine to establish a connection with a second client machine.

For example, Rackspace Email Plus, through a server, allows an admin (“first client machine”) to add a new mailbox corresponding to another user (“second client machine”). To add a new mailbox, the administrator clicks on the “Add Mailbox” button, after which details of the new person (such as first name and last name) are filled in to set up an account for that person (“first client machine to establish a connection with a second client machine”). In this way, a connection between the first client machine and a second client machine is established.

copperpodip.com

Using 2 of 2 mailboxes [Activate my account](#)

**RACKSPACE EMAIL PLUS** Welcome! To get started, users can log in to Webmail to access Cloud Drive and download the desktop app. [Learn More](#)

Add Mailbox   Search by name  

<input type="checkbox"/> ACCESS	MAILBOX <span style="font-size: 0.8em;">↑</span>	DATE CREATED	LAST LOGIN	USAGE	<span style="border: 1px solid #ccc; padding: 2px;">Manage</span> <span style="font-size: 0.8em;">▼</span>
<input type="checkbox"/>	✓ chandan	February 01, 2021	Never	0 MB of 25.0 GB	<span style="border: 1px solid #ccc; padding: 2px;">Manage</span> <span style="font-size: 0.8em;">▼</span>
<input type="checkbox"/>	✓ sumit	February 01, 2021	Never	0 MB of 25.0 GB	<span style="border: 1px solid #ccc; padding: 2px;">Manage</span> <span style="font-size: 0.8em;">▼</span>

Showing 1 - 2 of 2 1 Show 10 20 50 | Export  

Source: Rackspace website as seen by a typical user at

<https://cp.rackspace.com/EmailHosting/Mail/Mailboxes>List>

## Add a single mailbox

1. Log in to the [Cloud Office Control Panel](#) using your Rackspace Cloud Office admin ID and password.
2. In the Rackspace Email section, click Mailboxes.

Rackspace Email 1 ACTIVE MAILBOX

[Mailboxes](#)   [Aliases](#)   [Group Lists](#)   [Filter Settings](#)   [Blacklists](#)   [Safelists](#)   [Upgrades](#)   [Microsoft Office](#)

3. If you have multiple domains, select the domain to which you want to add a mailbox.
4. Click Add Mailbox.

Using 0 of 1 mailboxes [Upgrade this plan](#)

Add Mailbox   [Add / Edit Multiple Mailboxes](#) 0 - 0 of 0

Mailbox	Date Created	Last Login
No Results Found		

Source: <https://docs.rackspace.com/support/how-to/add-rackspace-email-mailboxes/>

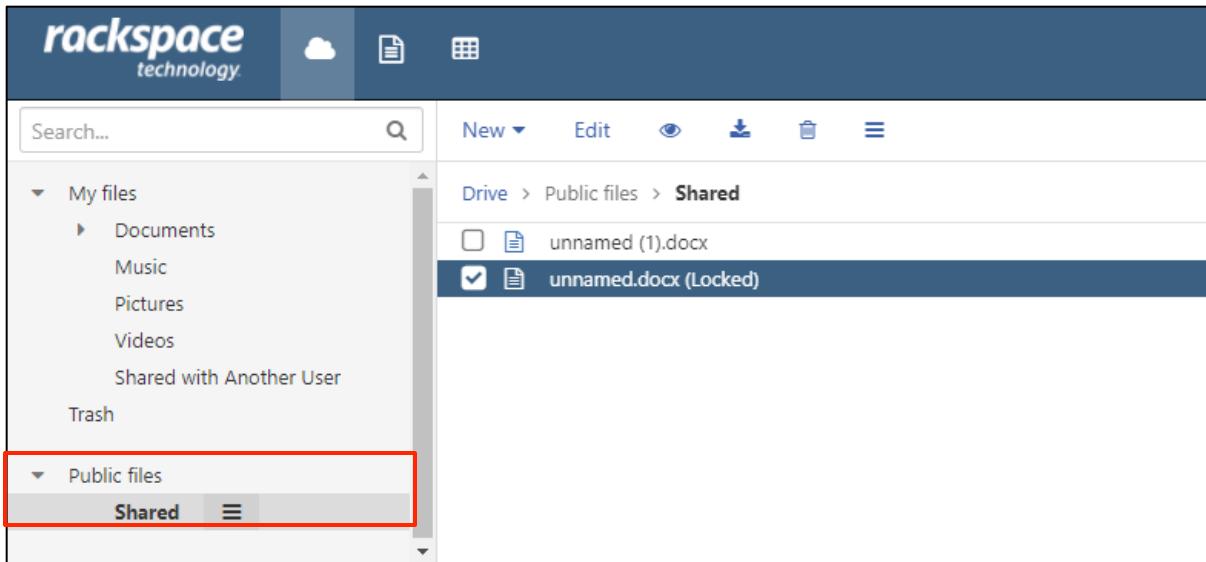
5. Enter the following information in the fields provided:

- **First Name and Last Name (optional):** Enter first and last name information for the mailbox owner.
- **Display Name (optional):** Enter the name to display when the user sends email.
- **User Name:** Enter the name to use in the email address. For example, if you specify **myname** as the username, and the domain is **yourdomainexample.com**, then the email address is **myname@yourdomainexample.com**.  
**Note:** You are not able to create a username that already exists as an alias, group list, distribution list, or as another mailbox. You must remove the conflicting address from your account before using the same username for another purpose.
- **Password:** Enter a password for the email account using the following requirement
  - It must be at least eight characters.
  - It must use characters from at least three of the following four character types:
    - English alphabet uppercase letters (A-Z)
    - English alphabet lowercase letters (a-z)
    - Numerals (0-9)
    - Non-alphanumeric symbols (such as !, #, \$, %)
- **Confirm:** Retype the password that you entered in the **Password** box.

6. Click **Save**.

**Note:** After a mailbox is created in the Cloud Office Control Panel, it can take up to 15 minutes for the mailbox to become accessible. You can then log in to the mailbox at [apps.rackspace.com](https://apps.rackspace.com).

Source: <https://docs.rackspace.com/support/how-to/add-rackspace-email-mailboxes/>



Source: Rackspace website as seen by a typical user at

<https://apps.rackspace.com/appsuite/#!!&app=io.ox/files&folder=54>

48. With the Accused Product, Defendant performs a method for sharing data via a server comprising forwarding the request by the server to the second client machine.

For example, Rackspace Email Plus, through the server, set up an account for a new person (“second client machine”) to let him/her collaborate and share files in the Public Files folder. There are two types of account that can be set up for new user – Administrator account and Normal user account.

copperpodip.com

Using 2 of 2 mailboxes [Activate my account](#)

**RACKSPACE<sup>®</sup> EMAIL PLUS** Welcome! To get started, users can log in to Webmail to access Cloud Drive and download the desktop app. [Learn More](#)

Add Mailbox  Search by name

<input type="checkbox"/> ACCESS	MAILBOX <input type="button" value="↑"/>	DATE CREATED	LAST LOGIN	USAGE	<input type="button" value="Manage"/> <input type="button" value="▼"/>
<input type="checkbox"/>	✓ chandan	February 01, 2021	Never	0 MB of 25.0 GB	<input type="button" value="Manage"/> <input type="button" value="▼"/>
<input type="checkbox"/>	✓ sumit	February 01, 2021	Never	0 MB of 25.0 GB	<input type="button" value="Manage"/> <input type="button" value="▼"/>

Showing 1 - 2 of 2    Show 10 20 50 | Export

Source: Rackspace website as seen by a typical user at

<https://cp.rackspace.com/EmailHosting/Mail/Mailboxes>List>

### Add a single mailbox

1. Log in to the [Cloud Office Control Panel](#) using your Rackspace Cloud Office admin ID and password.
2. In the Rackspace Email section, click Mailboxes.

Rackspace Email 1 ACTIVE MAILBOX

**Mailboxes**   0 - 0 of 0

Aliases Group Lists Filter Settings Blacklists Safelists Upgrades Microsoft Office

3. If you have multiple domains, select the domain to which you want to add a mailbox.
4. Click Add Mailbox.

Using 0 of 1 mailboxes [Upgrade this plan](#)

**Add Mailbox**  0 - 0 of 0

Mailbox	Date Created	Last Login
No Results Found		

Source: <https://docs.rackspace.com/support/how-to/add-rackspace-email-mailboxes/>

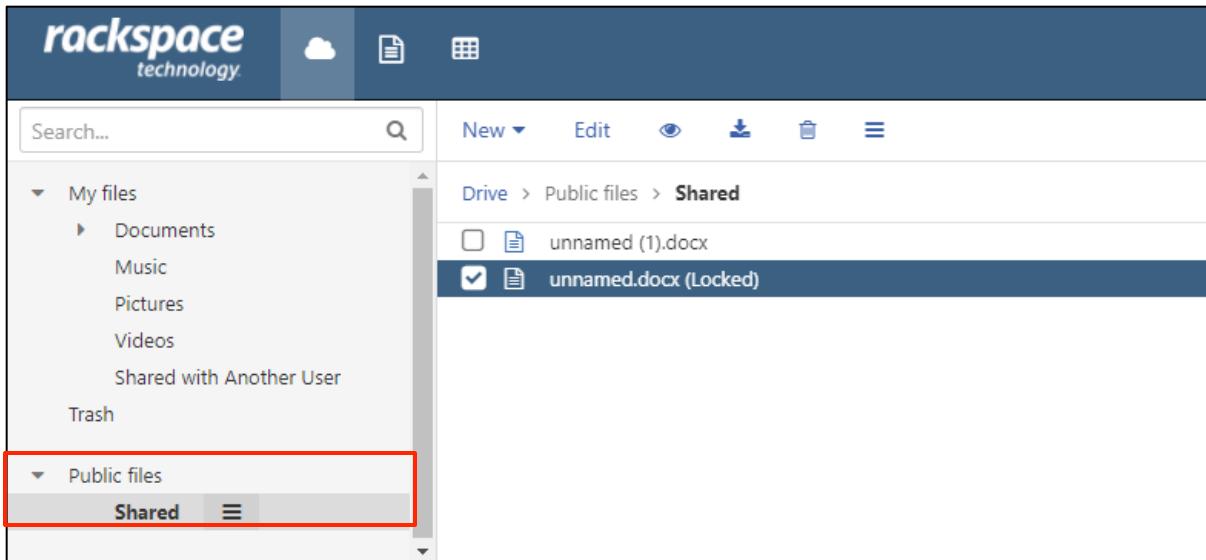
5. Enter the following information in the fields provided:

- **First Name and Last Name (optional):** Enter first and last name information for the mailbox owner.
- **Display Name (optional):** Enter the name to display when the user sends email.
- **User Name:** Enter the name to use in the email address. For example, if you specify **myname** as the username, and the domain is **yourdomainexample.com**, then the email address is **myname@yourdomainexample.com**.  
**Note:** You are not able to create a username that already exists as an alias, group list, distribution list, or as another mailbox. You must remove the conflicting address from your account before using the same username for another purpose.
- **Password:** Enter a password for the email account using the following requirement
  - It must be at least eight characters.
  - It must use characters from at least three of the following four character types:
    - English alphabet uppercase letters (A-Z)
    - English alphabet lowercase letters (a-z)
    - Numerals (0-9)
    - Non-alphanumeric symbols (such as !, #, \$, %)
- **Confirm:** Retype the password that you entered in the **Password** box.

6. Click **Save**.

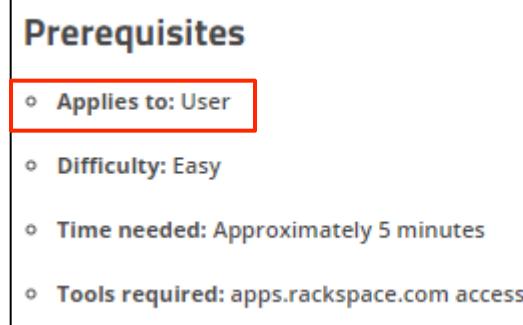
**Note:** After a mailbox is created in the Cloud Office Control Panel, it can take up to 15 minutes for the mailbox to become accessible. You can then log in to the mailbox at [apps.rackspace.com](https://apps.rackspace.com).

Source: <https://docs.rackspace.com/support/how-to/add-rackspace-email-mailboxes/>



Source: Rackspace website as seen by a typical user at

<https://apps.rackspace.com/appsuite/#!!&app=io.ox/files&folder=54>



Source: [https://docs.rackspace.com/support/how-to/upload-a-file-to-rackspace-email-plus-](https://docs.rackspace.com/support/how-to/upload-a-file-to-rackspace-email-plus-cloud-drive/)

[cloud-drive/](#)

### Prerequisites

- o **Applies to:** Administrator
- o **Difficulty:** Easy
- o **Time needed:** Approximately 10 minutes
- o **Tools required:** Cloud Office Control Panel access

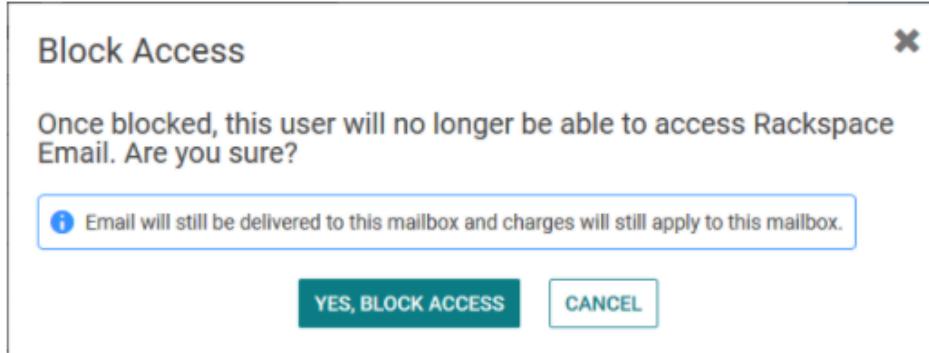
Source: <https://docs.rackspace.com/support/how-to/block-or-restore-rackspace-email-access#:~:text=Block%20mailbox%20access&text=In%20the%20Rackspace%20Email%20selection,corresponding%20mailbox%20in%20that%20row.>

49. With the Accused Product, Defendant performs a method for sharing data via a server comprising permitting the first client machine to communicate with the second client machine via the server in response to the second client machine granting the request. For example, after setting up a mailbox of a new user (“second client machine”), the new user communicates with the admin via Cloud Drive such that documents can be shared between the two. The new user has an option to deny access to the shared files in the Public Files folder by clicking the “Block Access” button corresponding to the his/her account. Therefore, if a new user does not select block access for his/her account, he/she grants permission to communicate with the administrator (“first client machine”).

4. Next, you see a list of your mailboxes. In the far-right column, **Action**, click **Block Access** to block access to the corresponding mailbox in that row.

ACCESS	DISPLAY NAME ↑	MAILBOX	USAGE	Manage
<input type="checkbox"/>	<input checked="" type="checkbox"/> Archive Dupli...	duplicatearchive	1 MB of 25.0 GB	<b>duplicatearchive</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/> employee	employee	0 MB of 25.0 GB	<b>Block Access</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/> example1	example1	1 MB of 25.0 GB	<b>Change Password</b>

5. A message displays confirming that you want to block access. Read the message, and then click **YES, BLOCK ACCESS**.



The mailbox is then greyed out in the mailbox list. You have now blocked users from accessing that mailbox.

Source: <https://docs.rackspace.com/support/how-to/block-or-restore-rackspace-email-access#:~:text=Block%20mailbox%20access&text=In%20the%20Rackspace%20Email%20selection,corresponding%20mailbox%20in%20that%20row.>

50. With the Accused Product, Defendant performs a method for sharing data via a server comprising in response to the first client machine uploading a file to a file list coupled to a store that is remotely located to the first and second client machines notifying the second client machine by the server of the file.

For example, Rackspace Email Plus comprises Cloud Drive that allows administrator to upload files to the folders and subfolders (“file list”) of the Public Files folder. Rackspace

Email Plus's Cloud Drive stores the files at their geographically placed remote servers ("store") linked with the Public Files folders.

For example, when the administrator uploads the new file to the Public Files folder, it is synchronised across the new user's account ("second client machine"). As a result, the uploaded files are instantly and automatically displayed on the new user's user interface (notifying the second client machine).

## Rackspace Email PLUS Storage and Apps

Rackspace Email PLUS includes Cloud Drive, an online file storage and sharing solution that gives you access to your important files no matter where you are. Choosing Rackspace Email PLUS gives you:

- 25GB Outlook-compatible Mailboxes
- 30GB Online Storage and Sharing per User
- Desktop File Synchronization
- Online Document and Spreadsheet Editors
- Mobile Sync for Email, Calendars, and Contacts

Rackspace Email PLUS with Cloud Drive combines business-class email with online file storage and applications for only \$3.99 per mailbox.

Click tabs below to learn more.

Source: <https://www.rackspace.com/en-in/email-hosting/webmail/rackspace-email-plus>

### A Copy in the Cloud

The Cloud Drive application in Rackspace Email Plus allows you to synchronize files on your desktop with your cloud storage space.

This gives you instant access to the most recent versions of important files from anywhere and from any device.

Source: <https://www.rackspace.com/en-in/email-hosting/webmail/rackspace-email-plus>

**Features**

**25GB Mailboxes**  
 Large capacity storage for email and attachments with premium anti-spam and virus protection.

**Desktop Sync for Files and Folders**  
 Windows and Mac desktop apps keep your files safe with a copy in the cloud.

**Mobile Sync for Email, Calendars, and Contacts**  
 ActiveSync for always up-to-date email, calendars and contacts on mobile devices.

**30GB Online Storage per User**  
 Large capacity Cloud Drive accessible from any device. Files are 256-bit encrypted in transit and at rest.

**Simple File Sharing**  
 Share files and collaborate in real-time with colleagues.

**Online Editors**  
 Create and edit docs & spreadsheets directly from a browser.

Source: <https://www.rackspace.com/en-in/email-hosting/webmail/rackspace-email-plus>

copperpodip.com

Using 2 of 2 mailboxes [Activate my account](#)

 Welcome! To get started, users can log in to Webmail to access Cloud Drive and download the desktop app. [Learn More](#)

<input type="checkbox"/> ACCESS	MAILBOX ↑	DATE CREATED	LAST LOGIN	USAGE	Manage
<input type="checkbox"/>	✓ chandan	February 01, 2021	Never	0 MB of 25.0 GB	<a href="#">Manage</a> <span style="font-size: small;">▼</span>
<input type="checkbox"/>	✓ sumit	February 01, 2021	Never	0 MB of 25.0 GB	<a href="#">Manage</a> <span style="font-size: small;">▼</span>

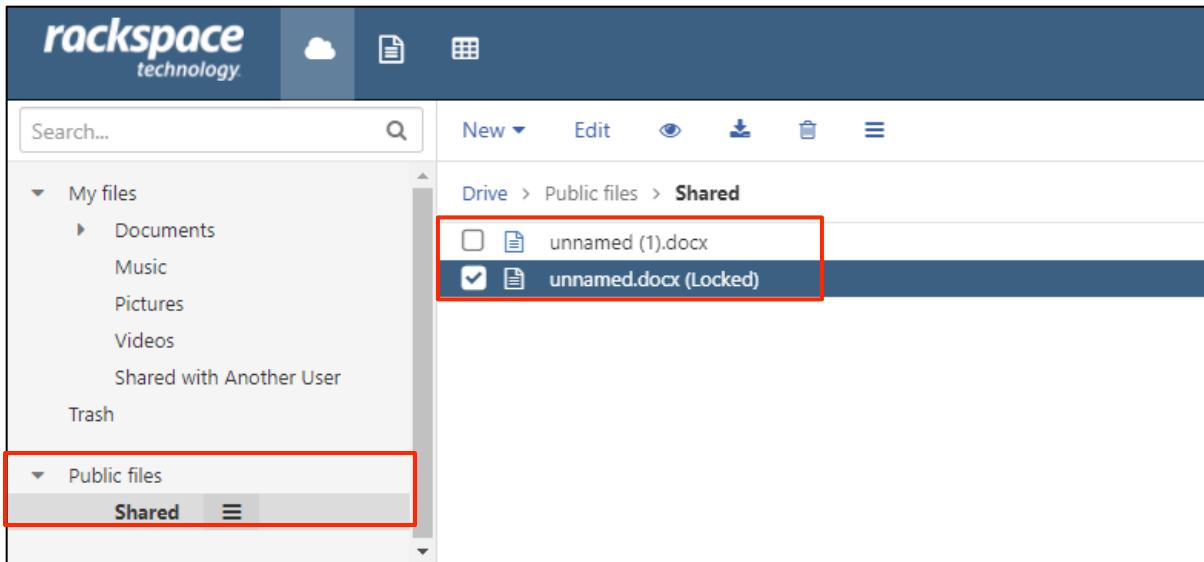
Showing 1 - 2 of 2

◀ 1 ▶

Show 10 20 50 | Export 

Source: Rackspace website as seen by a typical user at

<https://cp.rackspace.com/EmailHosting/Mail/Mailboxes>List>

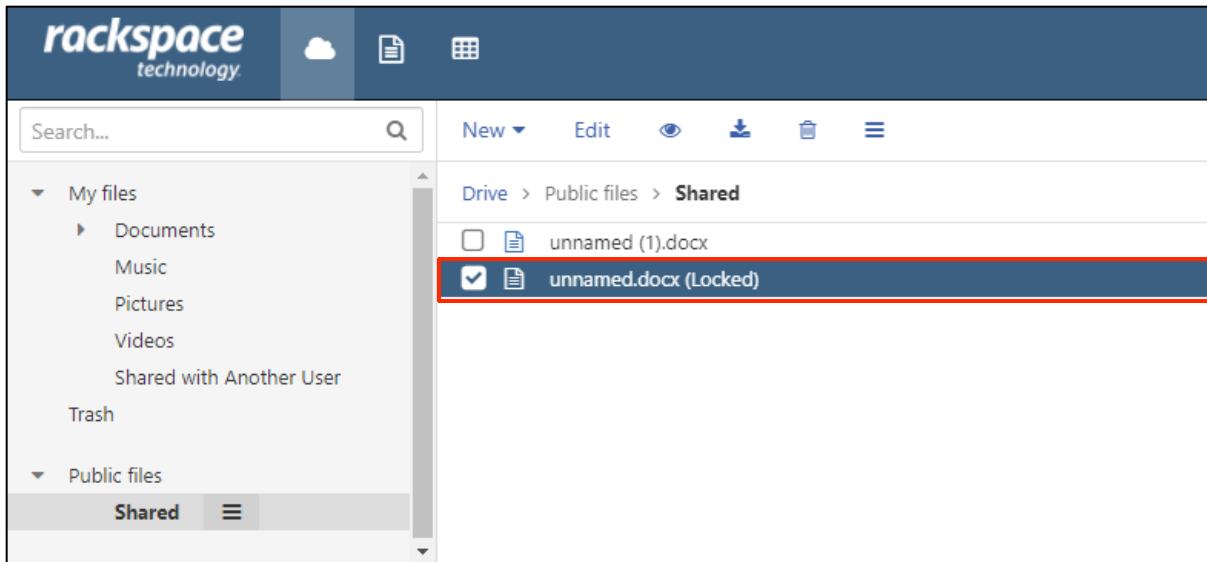


Source: Rackspace website as seen by a typical user at

<https://apps.rackspace.com/appsuite/#!!&app=io.ox/files&folder=54>

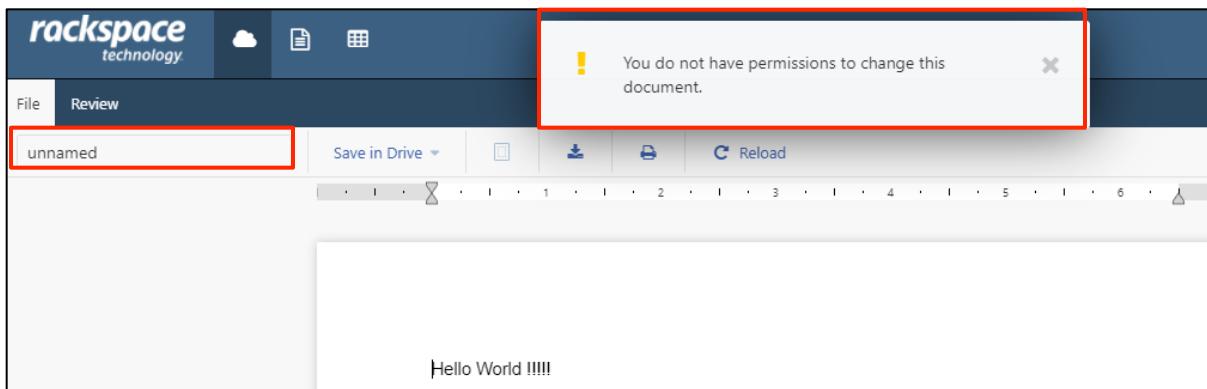
51. Wherein, in response to the first client machine uploading a file to a file list coupled to a store that is remotely located to the first and second client machines establishing a level of access to the file list coupled to the store, wherein the store is independent of a file path and unnavagable to by a user.

For example, Rackspace Email Plus allows the administrator to lock the shared files in the Public Files folder. When the files are locked, they cannot be edited and can only be viewed (“establishing a level of access”). Further, the Rackspace’s physical server (“store”) is independent of the path to Public Files folder and is therefore unnavagable by the user.



Source: Rackspace website as seen by a typical user at

<https://apps.rackspace.com/appsuite/#!/&app=io.ox/files&folder=54>



Source: Rackspace website as seen by a typical user at

<https://apps.rackspace.com/appsuite/#!/&app=io.ox/office/text&folder=54&id=54/1>

## Rackspace Email PLUS Storage and Apps

Rackspace Email PLUS includes Cloud Drive, an online file storage and sharing solution that gives you access to your important files no matter where you are. Choosing Rackspace Email PLUS gives you:

- 25GB Outlook-compatible Mailboxes
- 30GB Online Storage and Sharing per User
- Desktop File Synchronization
- Online Document and Spreadsheet Editors
- Mobile Sync for Email, Calendars, and Contacts

Rackspace Email PLUS with Cloud Drive combines business-class email with online file storage and applications for only \$3.99 per mailbox.

Click tabs below to learn more.

Source: <https://www.rackspace.com/en-in/email-hosting/webmail/rackspace-email-plus>

### A Copy in the Cloud

The Cloud Drive application in Rackspace Email Plus allows you to synchronize files on your desktop with your cloud storage space.

This gives you instant access to the most recent versions of important files from anywhere and from any device.

Source: <https://www.rackspace.com/en-in/email-hosting/webmail/rackspace-email-plus>

### Features



#### 25GB Mailboxes

Large capacity storage for email and attachments with premium anti-spam and virus protection.



#### Desktop Sync for Files and Folders

Windows and Mac desktop apps keep your files safe with a copy in the cloud.



#### Mobile Sync for Email, Calendars, and Contacts

ActiveSync for always up-to-date email, calendars and contacts on mobile devices.



#### 30GB Online Storage per User

Large capacity Cloud Drive accessible from any device. Files are 256-bit encrypted in transit and at rest.



#### Simple File Sharing

Share files and collaborate in real-time with colleagues.



#### Online Editors

Create and edit docs & spreadsheets directly from a browser.

Source: <https://www.rackspace.com/en-in/email-hosting/webmail/rackspace-email-plus>

52. With the Accused Product, Defendant performs a method for sharing data via a server comprising establishing a connection between the file list and the store by a secured channel to download the file.

For example, Rackspace Email Plus sets up a secure connection between the Public Files folder (“file list”) and the Rackspace Email Plus servers (“store”) through multiple encryption techniques. This allows registered members of an organization to download the files from servers securely.

### Data Encryption Features

 **Simplified Encryption Processes**  
Consistently encrypt all forms of data (Structured, Unstructured and Big Data) across multiple platforms without requiring changes to applications, infrastructure or business practices.

 **Full Control**  
Retain full control over data access policies, keys and encryption mechanisms. Define when, how and by whom certain data should be accessed.

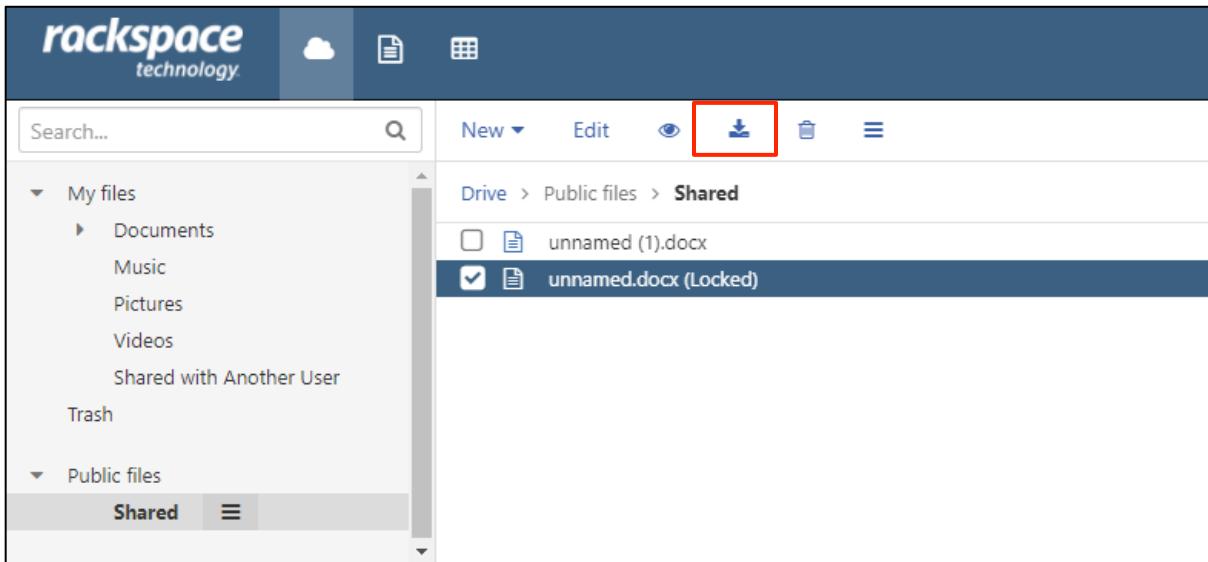
 **Robust Auditing and Reporting**  
Includes tamper-proof auditing that tracks all authorized and unauthorized attempts to access protected data, as well as any changes to security policies. All log records are encrypted and protected.

 **Encryption Key Management**  
Centralize all encryption key management tasks on a single platform, with an automated and secure mechanism for key rotation, replication and backup.

 **Flexible Compliance**  
Customize the controls, visibility levels and auditability needed to comply with internal policies and regulatory mandates while limiting legal subpoena exposure.

 **Broad Database and OS Support**  
Supports encryption for all major relational databases, including Oracle, Microsoft SQL Server and IBM DB2. Available on UNIX and Windows environments, as well as IBM iSeries and zSeries environments.

Source: <https://www.rackspace.com/security/tools/data-protection>



The screenshot shows the Rackspace AppSuite interface. At the top, there is a navigation bar with the Rackspace logo, a search bar, and several icons for file operations. Below the navigation bar is a sidebar with links to 'My files' (Documents, Music, Pictures, Videos, Shared with Another User, Trash) and 'Public files' (Shared). The main area displays a file list under the 'Shared' tab. The file list shows two items: 'unnamed (1).docx' (unchecked) and 'unnamed.docx (Locked)' (checked). A red box highlights the download icon in the toolbar above the file list.

Source: Rackspace website as seen by a typical user at

<https://apps.rackspace.com/appsuite/#!!&app=io.ox/files&folder=54>

53. Claim 2 of the '120 Patent recites:

2. The method of claim 1, wherein a first user is a member of a group, and the request is to invite a second user to join the group, and the group is closed to other users that have not been invited by a member of the group, no mutual communication is allowed between a member of the group and any of the other users.

54. With the Accused Product, Defendant performs a method for sharing data via a server wherein a first user is a member of a group, and the request is to invite a second user to join the group, and the group is closed to other users that have not been invited by a member of the group, no mutual communication is allowed between a member of the group and any of the other users.

For example, Rackspace Email Plus allows the administrator to add a new user (“invite a second user to join the group”) to the organization’s Rackspace Cloud Drive account (“group”). Cloud Drive comprises the Public Files folder where the uploaded files are shared among the registered members of the organization. Registered members of an organization are allowed to communicate with each other (share files) but not with outsiders or non-registered members who do not have any permissions to access the Public Files folder.

copperpodip.com

Using 2 of 2 mailboxes [Activate my account](#)

**RACKSPACE<sup>®</sup> EMAIL PLUS** Welcome! To get started, users can log in to Webmail to access Cloud Drive and download the desktop app. [Learn More](#)

Add Mailbox  Search by name

<input type="checkbox"/> ACCESS	MAILBOX <input type="button" value="↑"/>	DATE CREATED	LAST LOGIN	USAGE	<input type="button" value="Manage"/> <input type="button" value="▼"/>
<input type="checkbox"/>	✓ chandan	February 01, 2021	Never	0 MB of 25.0 GB	<input type="button" value="Manage"/> <input type="button" value="▼"/>
<input type="checkbox"/>	✓ sumit	February 01, 2021	Never	0 MB of 25.0 GB	<input type="button" value="Manage"/> <input type="button" value="▼"/>

Showing 1 - 2 of 2    Show 10 20 50 | Export

Source: Rackspace website as seen by a typical user at

<https://cp.rackspace.com/EmailHosting/Mail/Mailboxes>List>

### Add a single mailbox

1. Log in to the [Cloud Office Control Panel](#) using your Rackspace Cloud Office admin ID and password.
2. In the Rackspace Email section, click Mailboxes.

Rackspace Email 1 ACTIVE MAILBOX

Filter Settings   Upgrades

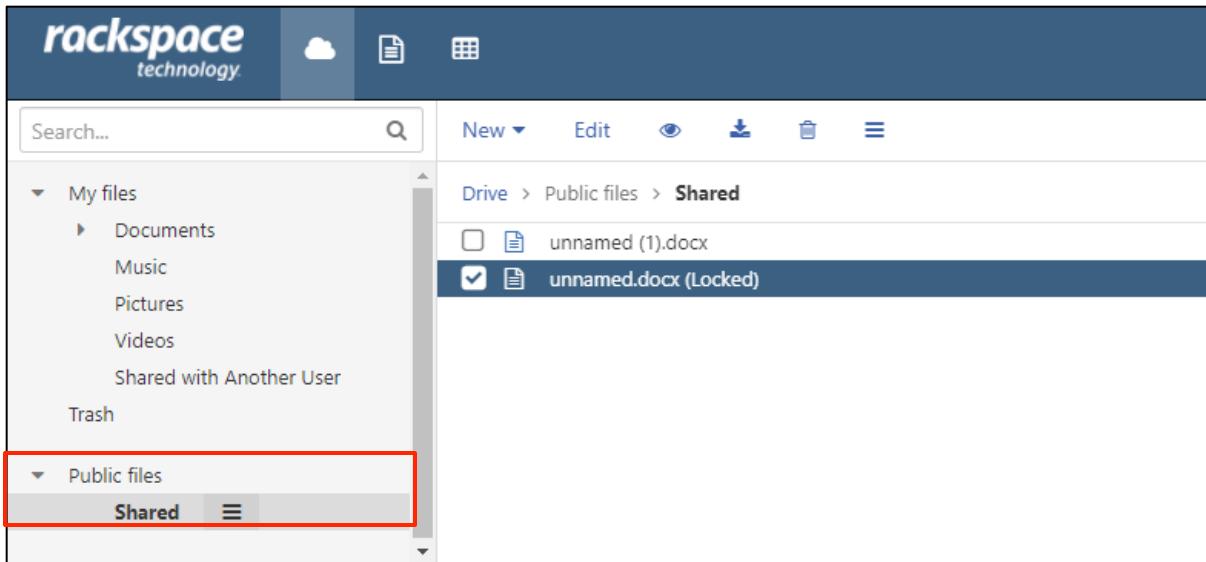
3. If you have multiple domains, select the domain to which you want to add a mailbox.
4. Click Add Mailbox.

Using 0 of 1 mailboxes [Upgrade this plan](#)

0 - 0 of 0

Mailbox	Date Created	Last Login
No Results Found		

Source: <https://docs.rackspace.com/support/how-to/add-rackspace-email-mailboxes/>



Source: Rackspace website as seen by a typical user at

<https://apps.rackspace.com/appsuite/#!!&app=io.ox/files&folder=54>

55. The foregoing infringement on the part of Defendant has caused past and ongoing injury to Plaintiff. The amount of damages adequate to compensate for the infringement shall be determined at trial but is in no event less than a reasonable royalty from the date of first infringement to the expiration of the '120 Patent.
56. To the extent Defendant continues, and has continued, its infringing activities noted above in an infringing manner post-notice of the '120 Patent, such infringement is necessarily willful and deliberate.

**PRAYER FOR RELIEF**

WHEREFORE, BCS respectfully requests the Court enter judgment against Defendant:

1. declaring that the Defendant has infringed the '120 Patent;
2. awarding BCS its damages suffered as a result of Defendant's infringement of the '120 Patent;
3. awarding BCS its costs, attorneys' fees, expenses, and interest; and
4. granting BCS such further relief as the Court finds appropriate.

**JURY DEMAND**

BCS demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: February 4, 2021

Respectfully Submitted

/s/ Thomas Fasone III  
Thomas Fasone III  
Texas Bar No. 00785382  
tfasone@ghiplaw.com  
M. Scott Fuller  
Texas Bar No. 24036607  
sfuller@ghiplaw.com  
Randall T. Garteiser  
Texas Bar No. 24038912  
rgarteiser@ghiplaw.com

**GARTEISER HONEA, PLLC**  
119 W. Ferguson Street  
Tyler, Texas 75702  
Telephone: (903) 705-7420

/s/ Raymond W. Mort, III  
Raymond W. Mort, III  
Texas State Bar No. 00791308  
raymort@austinlaw.com

**THE MORT LAW FIRM, PLLC**  
100 Congress Ave, Suite 2000  
Austin, Texas 78701  
Tel/Fax: (512) 865-7950

**ATTORNEYS FOR PLAINTIFF**  
**BCS SOFTWARE, LLC**